

Memorandum



Date: September 12, 2006

**Supplement to
Agenda Item No. 12(B)5**

To: Honorable Chairperson Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Report to Item 12(B)5, "Presentation of the Racial Profiling Study Findings by the Alpert Group"

At the April 25, 2006 Board of County Commissioners meeting, while discussing the Racial Profiling Study, Commissioner Rebeca Sosa agreed to conduct a Community Outreach, Safety and Healthcare Administrative (COSHA) Committee public workshop to discuss the findings of the study, as well as those of the Racial Profiling Advisory Board (RPAB). At the workshop held on June 29, 2006, Dr. Geoffrey T. Alpert, principal investigator of the study, provided the workshop participants with an overview of the study and an executive summary of his findings and recommendations. In addition, Dr. Eduardo Diaz, Chairperson of the RPAB, provided the committee with a summary of the board's activities with regard to securing community input on the report and the RPAB's final recommendations. Both these documents are attached to Item 12(B)5, "*Presentation of the Racial Profiling Study Findings by the Alpert Group*," on the September 12, 2006 Board agenda. Also included in Item 12(B)5 are:

- Community Relations Board Position Paper regarding the MDPD Study, December 19, 2005
- Independent Review Panel – Report on MDPD Racial Profiling Study Community Meeting, November 17, 2005
- Independent Review Panel Staff Report on MDPD Racial Profiling Study, May 17, 2005
- Community Input Meeting Comments and Concerns
- Racial Profiling Report Timeline (as requested by the Board)
- MDPD Response to the Racial Profiling Study, May 13, 2005

At the workshop, COSHA Chairperson Sosa provided an opportunity for public comment. At her request, County staff prepared the following supplemental report to Item 12(B)5. This supplemental report specifically addresses the recommendations made by the Racial Profiling Advisory Board and their implementation by the Miami-Dade Police Department (MDPD). In summary, prior to the release of the Racial Profiling study, MDPD implemented policies and procedures prohibiting enforcement profiling, and MDPD continues to actively monitor, correct and employ best practices to eliminate enforcement profiling that may be occurring. Therefore, it is recommended that the Board accept the Racial Profiling study and this supplemental report.

Recommendation 1

Racial Profiling Advisory Board - June 21, 2006

"We urge that a written zero tolerance of racism policy be developed, that all personnel be trained in that policy and that a signed pre-employment affidavit be used with that policy."

Action:

- On January 20, 2000, MDPD issued a memorandum titled, "MDPD Procedure Prohibiting Enforcement Profiling. Attached was a document titled, "Enforcement Profiling." The latter document became Directive 00-01.
- These documents were distributed to all supervisory, sworn, and public service aides personnel. Both of these documents clearly stated the prohibition of enforcement profiling. Moreover, it clearly prohibited any enforcement actions which are based upon individual's race, ethnic origin, gender,

and age or income status and required that actions must be based solely upon law, departmental policy and articulated facts.

- It was mandated that this procedure be incorporated into Basic Law Enforcement training curriculum in the areas of patrol procedures, ethics, legal procedures, and interpersonal skills. The procedure was also incorporated into in-service training courses to include both patrol and investigative procedures for current personnel (in addition to trainees).
- MDPD is an accredited agency with the Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc. On March 23, 2001, in Change Notice 4.2, CALEA adopted a new standard regarding Bias Based Profiling. This standard required that agencies formulate a written directive governing bias based profiling and at a minimum include the following provisions:
 - A prohibition against bias based profiling in traffic contacts, field contacts and in asset seizure and forfeiture efforts;
 - Training agency enforcement personnel in bias based profiling issues including legal aspects;
 - Corrective measures if bias based profiling occurs; and
 - An annual administrative review of agency practices including citizens concerns.
- MDPD enacted policy that met the requirements of Standard 1.2.9 in the Departmental Manual, chapter 32, Part 1, Enforcement Profiling.
- On December 28, 2001, the department issued Directive 01-32. This Directive titled, "Departmental Directive: Enforcement Profiling," had an attached revision to Chapter 32, Part 1, Enforcement Profiling, and it superseded the entire part. This document was written because the Florida Legislature had recently enacted an amendment to Florida Statutes requiring all sheriffs to have an anti-discriminatory profiling policy by January 1, 2002, and directing the Florida Police Chiefs Association to develop a sample policy for use as a guide in preparing each agency's policy.
- MDPD is an accredited agency with Commission for Florida Law Enforcement Accreditation (CFA) and on July 14, 2004, MDPD underwent an on-site assessment by CFA assessors. Of particular interest, is CFA's Standard 2.08M. This standard requires the following provision for an agency to be in compliance:
 - A prohibition against bias based profiling in traffic contacts, field contacts and in asset seizure and forfeiture efforts;
 - Training agency enforcement personnel in bias based profiling issues including legal aspects in accordance with the Criminal Justice Standards and Training Commission (CJSTC) guidelines;
 - Corrective measures if bias based profiling occurs;
 - Definitions to include bias-based profiling and reasonable suspicion;
 - Traffic stop procedures;
 - Community education and awareness efforts; and
 - An annual administrative review of agency practices including citizen complaints and documented concerns.

The Department was found to be in compliance by the CFA assessment team assessors and on October 4, 2004, MDPD became accredited with CFA.

With regard to recruits, during the training process, ethical issues and racial profiling are covered throughout their curriculum. These subjects are covered in Modules 1 (Introduction), Module 9 (Traffic Stops), and Module 10 (Traffic Crash). It is also part of SECURE problem solving system which is present in all the modules.

Recommendation 2

Racial Profiling Advisory Board - June 21, 2006

"A Racial Profiling study should be conducted to address post stop actions by MDPD officers, due to the differential aspects found in the Alpert Group study."

Action:

Additional study, data collection, analysis, and reporting will involve the hiring of a consultant to perform a study, requiring additional funding and Board approval. The Field Investigation System, used as an investigative tool, could be used for this kind of study. A data system for organizing raw data and reporting on same would need to be developed for this purpose. Furthermore, this would require analysis in relation to overall goals and objectives of MDPD.

Recommendation 3

Racial Profiling Advisory Board - June 21, 2006

"Race, gender and ethnicity should be recorded for all stops of persons on foot and tracked to ensure compliance with a zero racism policy. Information from this database should be used in conjunction with the early warning system to address possible problem officers."

Action:

Data for pedestrians is presently not collected uniformly (only as relates to FI Cards). This will involve developing a system to collect and analyzing this kind of data, requiring additional funding and Board approval.

Recommendation 4

Racial Profiling Advisory Board - June 21, 2006

"Video cameras should be installed in all patrol cars to record stops."

Action:

The estimated costs to purchase, install, and maintain video cameras in department vehicles on the road is estimated at \$16.5 million (3,307 vehicles X \$5,000 for purchase/installation). Maintenance would be an additional \$1.6 million (approximately \$500 per vehicle). This amount does not include a mechanism to review, analysis and report.

Recommendation 5

Racial Profiling Advisory Board - June 21, 2006

"The MDPD Racial Profiling Report should contain a finding regarding evidence of Racial Profiling, not just a finding of racial disparities. Disparities in stop and/or search rates are indicators of Racial Profiling. The issue of whether there is evidence of Racial Profiling is what led the County Commission to authorize the report. The report attempts to explain away any disparities based on race rather than report them in a neutral way."

Action:

The study was not intended to and could not contain a finding of racial profiling. Because the police officer is the only person who really knows if race was used as a reason, the researchers were left to look for patterns of racial disparities in activities. In other words, the researchers were looking to see if police actions toward racial and ethnic groups were fair and balanced.

Recommendation 6

Racial Profiling Advisory Board - June 21, 2006

"Given that one of the community concerns is Racial Profiling specifically of young African American males, it is recommended that the Alpert Group develop a table including the gender and age of the stopped drivers, along with race and ethnicity. An alternative would be to have the Alpert Group provide the RPAB with the necessary data."

Action:

The Alpert Group has indicated that they will provide this additional analysis.

Recommendation 7

Racial Profiling Advisory Board - June 21, 2006

"Data collection must be continued, expanded to include pedestrian stops, and reported in a thorough manner. Future study methodologies should conform to up-to-date research best practices."

Action:

Additional study, data collection, analysis, and reporting will involve the hiring of a consultant to perform a study, requiring additional funding and Board approval. As stated above, No.3, pedestrian data is not gathered presently in a uniform basis (only as relates to FI Cards). Also, this would be an issue in developing positive relationships between MDPD and County residents. In several MDPD memoranda to personnel, (November 12, 2004, March 11, 2005), the needs for effective police/community relations is stressed, and how important the actions of our personnel were to maintain favorable relationships with the community. Furthermore, it emphasized the departmental core values of Integrity, Respect, Service, and Fairness. MDPD is committed and understands that good police/community relations is a prerequisite for positive interaction. As the gatekeepers of the criminal justice, and one of the most visible representative forms of government, MDPD strives to continually reacquaint itself with the community and be tractable in all of our relations with them.

A system to stop pedestrians and gather data would need to be developed and implemented.

Recommendation 8

Racial Profiling Advisory Board - June 21, 2006

"The Advisory Board should not be sun-setting. There remains a need to ensure community oversight of the implementation of the reforms and recommendations."

Action:

There are several community organizations that serve this in this function and already accept complaints to ensure MDPD policy implementation are professional, fair and open to the public. The review process within MDPD ensures complaints made are investigated by the Professional Compliance Bureau (Internal Affairs), reviewed by Command level officers and disposition panels determine sustainability for the discipline of personnel. Every Police District operates under the supervision of Citizen Advisory Committees as well. The Independent Review Panel and the Community Relations Board have been and continue to be viable instruments for review and implementation of policy within the Criminal Justice and Law Enforcement fields who work directly with MDPD.

Recommendation 9

Racial Profiling Advisory Board - June 21, 2006

"A quarterly report from MDPD to the County Commission is recommended; to inform the Commission and community if and how the department is implementing the recommendations. What is the department doing to address findings and recommendations?"

Action:

MDPD has provided reports to the Board of County Commissioners through the County Manager on the implementation of the recommendations of the Racial Profiling Study. The Department monitors such action to ensure compliance from its personnel. MDPD will provide periodic reports, as appropriate.

Recommendation 10

Racial Profiling Advisory Board - June 21, 2006

"The critical findings of the Alpert study relating to the apparent racial disparity regarding the actions taken by Miami-Dade Police Department officers after they stop motorists in traffic stops should be disseminated to each sworn officer of the department as part of a required training curriculum."

Action:

MDPD policy prohibiting Enforcement Profiling is provided (refer to No.1). Additionally, with regard to training, MDPD began conducting a 16-hour block in human diversity training in July 1993. On October 1, 2001, these classes were realigned to include four hours of human diversity and four hours of discriminatory profiling/professional traffic stops. The goal of these classes is to identify the professional response in working within a diverse community. In addition, the participants are explained the meaning of discriminatory profiling in relation to

traffic stops, and a protocol for using good interpersonal skills when making traffic stops is demonstrated.

Recommendation 11

Racial Profiling Advisory Board - June 21, 2006

"The Miami-Dade Police Department should establish specific guidelines based on objective, non-race based criteria regarding the field interrogation and field criminal records checks."

Action:

The Department's policy with regard to Enforcement Profiling has been provided (refer to No.1). This policy is a part of all MDPD practices; including those SOP's for field interrogation.

Recommendation 12

Racial Profiling Advisory Board - June 21, 2006

"MDPD guidelines based on objective, non-race based criteria regarding the field interrogation and field criminal records checks should be disseminated to each sworn officer of the department as part of required training curriculum."

Action:

As a matter of SOP, all policies and procedures are distributed to all department personnel. With regard to training on these issues, this is provided in Nos. 1 and 10 above.

Recommendation 13

Racial Profiling Advisory Board - June 21, 2006

"Officers who fail to comply with departmental guidelines regarding the field interrogation and field criminal records checks should be subjected to disciplinary review by the department in accordance with established procedures. The Miami-Dade Police Department should communicate to the community the departmental guidelines it has established regarding post-traffic stop interrogations and records checks."

Action:

In accordance with MDPD's policies and procedures, early identification system and annual evaluation reports are important tools full of data, and summarize the employee's interaction with the public. These serve as important monitoring tools. Disciplinary action is taken with employees when necessary and as appropriate, in accordance with MDPD and County policy.

With regard to post traffic stop interrogations, at a community Input meeting, it was suggested that MDPD personnel, after making a determination that the person stopped is not the suspect, at the end of that process, provide citizens with information as to why they were stopped. MDPD Director Parker responded by stating that, "police officers should always talk to the citizen post disarming their alarm or satisfying their alarm and explain to them why they were stopped." This is currently being developed as an MDPD Directive.

Recommendation 14

Racial Profiling Advisory Board - June 21, 2006

"The Miami-Dade Police Department, like all public and governmental entities, should engage in a continual self-evaluation of its officers' and agents' actions in citizen and police encounters of all types to insure that there is no race or national origin based disparities in treatment of this community's citizens."

Action:

MDPD agrees to continue to work to implement the recommendations outlined in the study. Twenty-first century policing modus operandi calls for its body of policing to listen to the needs of its communities and implement positive changes. These recommendations will be reinforced through the different procedures MDPD has in place in the form of policy, legal guidelines definitions as it relates to racial profiling, documentation and investigation of abuse where race is used as the decisive factor to target someone, education, training, and appraisal reports.

Recommendation 15

Racial Profiling Advisory Board - June 21, 2006

"That the "Summary of Alpert Group Recommendations to MDPD" and the findings and recommendations of the Racial Profiling Advisory Board be forwarded to the Dade Association of Chiefs of Police for the specific purpose of encouraging adoption of these recommendations by all police departments in Miami-Dade County."

Action:

MDPD supports this recommendation. Furthermore, Director Parker is the newly elected President of this organization, it will become one of his goals during his term of office with regard to the member police departments.

Recommendation 16

Racial Profiling Advisory Board - June 21, 2006

"MDPD should implement an ongoing data collection process addressing traffic stops, pedestrian stops and stops made by all tactical units (specially TNT and RID)."

Action:

Additional study, data collection, analysis, and reporting will involve the hiring of a consultant to perform a study, requiring additional funding and Board approval. This recommendation will also require careful analysis with regard to the objectives of tactical units (such as TNT and RID).

Recommendation 17

Racial Profiling Advisory Board - June 21, 2006

"MDPD should revise its policy prohibiting biased based policing (which specifically includes the Racial Profiling issue); to incorporate language that represents current best practices."

Action:

See Item No. 1 above. This revision has occurred, beginning January 2000 and all subsequent revisions are consistent with certification standards and requirements of both CALEA and CFA.

Recommendation 18

Racial Profiling Advisory Board - June 21, 2006

"MDPD should specifically incorporate bias-free policing in all levels of training; academy, field training, in-service and management training."

Action:

This is consistent with MDPD policy and procedure as detailed in No. 1 above.

Recommendation 19

Racial Profiling Advisory Board - June 21, 2006

"MDPD should commit to being evaluated by the community it serves, in a yearly community assessment conference co-hosted by the Independent Review Panel (IRP), Office of Community Relations (OCR), Community Relations Board (CRB) and Racial Profiling Advisory Board (RPAB)."

Action:

MDPD executives continue to assess at how its personnel interacts with the community it serves. This is accomplished by constantly monitoring their behavior and receiving feedback from the community. Supervisors will continue to monitor the action(s) of their direct reports with our citizens, especially when conducting record checks to ensure that they are fair, lawful and proper. Citizen complaints and their classifications will continue to be scrutinized closely for patterns of behavior that may be developing. The early identification system and annual evaluation reports, (as indicated above, No. 13) are important tools full of data and summarize the employee's interaction with the public. These too, will serve as monitoring tools.

The training and education of MDPD personnel related to racial profiling will continue to be addressed as a most sensitive and pressing issue. This training will underscore the need for police to protect individual rights and dignity. In addition, this message will continue to be re-emphasized through formal and informal roll calls or whenever the need arises.

MDPD realizes that the cornerstone of any relationship between the police and the community is trust, a bond that is not always easy to develop. Furthermore, it agrees that their officers

must do everything in their power when encountering citizens to communicate sensibly and respectfully. This simple act can only be accomplished by the police informing the citizen the reason for the intervention.

MDPD is extremely eager to establish close ties with, and to improve police/community relations. Good police interaction with the public and responding to their needs will further bring it to fruition. It also understands that engaging in continual aggressive stop-and-frisk strategies do not enhance quality police experiences of citizens not involved in criminal wrongdoing. A continued and structured set of processes to include training, education, and monitoring police behavior will remain in effect to ensure that racial profiling does not occur, and that MDPD police conduct themselves in a professional and exemplary manner.

Recommendation 20

Racial Profiling Advisory Board - June 21, 2006

"MDPD should conduct a competitive procurement process to secure technical assistance from best practices experts to facilitate implementation of a new comprehensive bias-free policing strategy (which specifically includes the Racial Profiling issue)."

Action:

Additional study, data collection, analysis, and reporting will involve the hiring of a consultant to perform a study, requiring additional funding and Board approval. At this time, though, MDPD is not planning to perform a competitive procurement process to hire a consultant to further study this issue. However, as stated above in No. 19, it is firmly committed to this important issue and remains diligent in department wide efforts at all levels to ensure that racial profiling does not occur.

MDPD remains committed to responding to the various issues, findings and recommendations in the Racial Profiling Report and analysis conducted by the Alpert Group. MDPD has instituted various policies to ensure more effective supervision and monitoring of our staff. It is important to know that MDPD is in the process of automating several of the computer systems and reporting formats officers utilize to conduct checks at the patrol level. This will enhance the accuracy of the data captured and lead to effective compliance with reporting on enforcement profiling standards. MDPD will actively monitor, correct and employ best practices to eliminate enforcement profiling that may be occurring in the agency.



Susanne M. Torriente
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